

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 2 and 5. These sheet, which includes Figs. 2 and 5, replaces the original sheets including Figs. 2 and 5. In Figure 2, spring tab 114 has been identified. In Fig. 5, spring tab 114 has been identified.

Attachment: 2 Replacement Sheets

2 Annotated Sheets Showing Changes

REMARKS/ARGUMENTS

In the specification, the paragraph at page 22 beginning at line 12 has been amended to correct a minor editorial problem.

In amended Figures 2 and 5, the previously omitted element numerals 114 has been added.

Claims 1-17 remain in this application.

In response to the Office Action of June 6, 2006, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Drawings

The drawings are objected to under 37 CFR 1.83(a) for not showing the spring tabs mentioned in claims 5, 12, and 14. The spring tabs of claim 5 are illustrated as element 114 in Figure 3. The spring tabs of claim 12 are now illustrated as elements 114 on the base panel locking posts in amended Figures 2 and 5. The spring tabs of claim 14 is illustrated as element 114 on the top panel locking post in the upper left portion of Figure 5.

In light of these amendments it is requested that the objection to the drawings be withdrawn.

Rejections under 35 USC 112

Claims 5, 12 and 14 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. The Examiner alleges that the spring tabs are not described with enough detail. The operation of the spring tabs 114 is described in the specification at page 14, lines 18-24 through page 15, lines 1-3; page 15, lines 15-23 through page 16, lines 1 and 2; page 16, lines 12-16; page 17 lines 3-8; page 18, lines 6-14; page 19, lines 5-10; and page 21, lines 4-13.

In light of the above noted operation of the spring tabs, it is requested that the rejection of claims 5, 12 and 14 under 35 U.S.C. 112, first paragraph be withdrawn.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph for the multiple recitations of "a left side panel", "a right side panel", "a plurality of drawer guides" and "at least one drawer".

Claim 1 has been amended to change the second and subsequent occurrence of these element to "said" thereby indicating that there is only one "left side panel", "right side panel", etc.

In light of these amendments it is requested that the rejection of claim 1 under 35 U.S.C. 112, second paragraph be withdrawn.

Rejection under 35 USC 103(a)

Claims 1, 2, and 11-16 stand rejected under 35 U.S.C. 103(a) as unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 4,193,649 to Sharon. The Examiner alleges that Hsu discloses a plastic cabinet that can have drawers and comprises a base panel, a top panel, a left side panel, a right side panel and a back panel. The panels being attached to each other. The Examiner recognizes that Hsu fails to disclose locking posts on the top and bottom panels, a plurality of drawer guides that fit into apertures formed in vertical rails of the side panels, and a drawer with upper and lower rollers. The Examiner then alleges that Sharon teaches the use of a drawer glide system including drawer glides (51, 52) that have clips (10) to insert into apertures (21) on a vertical rail (20). Also, the drawer has upper and lower rollers (A', B') to engage the drawer glide (51, 52). The Examiner alleges that it would have been obvious to modify the cabinet of Hsu by adding the vertical rails and drawer glide structure at taught by Sharon to allow for adjustable drawers.

This proposed modification of Hsu would destroy the operation of the device. The operation of the Hsu device with two drawers is described at column 3, lines 12-15. The drawers slide on divider 6 and bottom plate 1. The proposed modification of Hsu by Sharon would require that wall brackets 20 be attached to the inner

surface of the left and right side panels of Hsu, clips 11 attached to the brackets 20, brackets 12 secured to the clips 11 and channel 51 secured to the bracket 12. This modification would significantly decrease the width of the drawers of Hsu and destroy the aesthetic appearance of the cabinet. The teaching or suggestion to make the claimed combination and a reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 recites "...said at least one drawer enclosing the front of said drawer cabinet and providing storage...". The proposed modification of Hsu by Sharon would not meet this limitation. Claim 1 also recites "...said drawer guides constructed and arranged to cooperate with at least one drawer to provide support and prevent tipping and canting of said at least one drawer...". Hsu and Sharon are silent with respect to this function of the drawer guides. Claim 1 further recites that "...wherein said drawer cabinet can be shipped fully assembled or in a disassembled state and assembled on a desired site without separate fasteners.". The bracket and clip assembly of Sharon clearly require separate fasteners to assemble and attach to a housing.

All the claimed limitations must be taught or suggested by the prior art. *In re Royka*, 490F.2d 981, 180 USPQ 580 (CCPA 1984). The proposed combination of Hsu and Sharon fail to meet all the

limitations of claim 1, as demonstrated above, and therefore cannot serve as a proper basis for a rejection under 35 U.S.C. 103.

To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine the reference teachings. Second, There must be a reasonable expectation of success. Third, the prior art must teach all the claim limitations. The proposed combination of Hsu and Sharon fail on all three criteria and accordingly are not a proper rejection under 35 U.S.C. 103(a).

In addition the proposed combination of references fails to disclose or teach the limitation in claim 2 "... a pair of vertical rails integrally molded on each of said inner surfaces of said left and said right side panels...". Finally the proposed combination does not disclose the spring tabs of claims 12, 14 and 16. The examiner alleges that Hsu discloses spring tabs (A') however, the Hsu patent fails to disclose and spring tabs and the Fig. 7 of Hsu referenced in the office action was modified by the examiner.

Claims 1-8 and 17 stand rejected under 35 U.S.C. 103(a) as unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 3,572,874 to Hassel and US Patent 6,193,340 to Schenker. The Examiner alleges that Hsu discloses a plastic cabinet that can have drawers and comprises a base panel, a top panel, a left side panel,

a right side panel and a back panel. The panels being attached to each other. The Examiner recognizes that Hsu fails to disclose drawer guides with locking posts, the drawer guides being L-shaped with posts extending from the vertical leg of the drawer guide, integrally formed spring tabs on the locking posts of the drawer guides, a roller mounted on the front portion of the horizontal leg of the drawer guide, detents and stop tabs formed on the drawer guides, rollers formed on the upper and lower portions of the rear of the drawer in pockets and an integrally formed cross bracing in the bottom panel. The Examiner further alleges that Hassel teaches the use of drawer glides which are mounted with locking posts (15,16) that have a conjugate shape and extend through apertures in an integral vertical rail formed in a sidewall of the cabinet. The drawers are provided with slides or wearing pieces (34,35) for supporting the drawer on the drawer glides. Locking member (18) extends through aperture (17) to secure the drawer glide in place. The Examiner goes on to allege that it would have been obvious to modify the cabinet of Hsu by providing a drawer slide assembly as taught by Hassel so that the drawer glides could be attached to the cabinet quicker and easier.

It is not clear from the rejection how the left and right side panels of Hsu would be modified to be provided with an integral vertical rail(8). The side panels of Hsu do not have a flange which

extends parallel to the outer surface of the side panel and inwardly from an edge thereof such that a plurality of apertures could be provided to allow for the insertion of the locking posts of the drawer glides. The side panels of Hassel are made of metal so that it would be relatively easy to bend the metal to form the flanges. However, the side panels of Hsu are formed from plastic and there is no teaching or suggestion in the prior art of how to provide these panels with integrally formed vertical rails. The only teaching or suggestion is found in Applicants disclosure and therefore the Examiner's conclusion of obviousness is based on improper hindsight reasoning. *In re McLaughlin* 442 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA1971). As a result, the Examiner has failed to teach all the claim limitations.

The Examiner further states that the combined teachings of Hsu and Hassel fail to disclose an integrally formed spring tab on the locking posts of the drawer glides, a roller rotatably mounted on the front portion of the horizontal leg of the drawer glide, detents and stop tabs formed on drawer glides, rollers formed on the upper and lower portions of the rear of the drawers in pockets and an integrally formed cross bracing in the bottom panel. The Examiner alleges that it would have been obvious to modify the cabinet of Hsu in view of Hassel by replacing the slides with rollers and adding a roller to the front portion of the drawer

glide as taught by Schenker since rollers are well known to reduce friction.

Claim 6 recites that the front roller "...is sized and positioned between said upper surface and said lower surface so that a portion of said roller protrudes above said upper surface." Roller 104 of Schenker does not meet this limitation as can be seen in Fig. 2 of Schenker and therefore fails to teach the invention as claimed. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Regarding claim 5 the Examiner alleges that it would have been obvious to provide the drawer cabinet of Hsu in view of Hassel and Schenker with a spring tab on the locking post of the drawer glide since a locking member is already taught by Hassel and Hsu teaches a locking post with integral formed spring tabs. However, as stated above Hsu does not teach or disclose integrally formed spring tabs. The examiner has modified Fig. 7 of Hsu to allege that Hsu discloses spring tabs. Hsu, however, is silent with respect to spring tabs. Again, the Examiner fails to teach the invention as claimed.

Regarding claims 7 and 8 the Examiner takes "official notice" that it is well known to use detent and stop tabs on drawer glides to secure and prevent movement of the drawer. Applicants challenge the Examiner's use of "official notice" to allege these facts. Nowhere in any of the prior cited in this application is there a

recognition of the use of detents and stop tabs on drawer glides. If the use of these items were as "well known" as the Examiner alleges, then they should be found in the prior art. Applicants request that the Examiner provide documentary evidence to support his taking of official notice as required by section 2144.03 MPEP.

Regarding claim 17 the Examiner alleges that it would have been obvious to provide the bottom panel of the cabinet drawer of Hsu in view of Hassel and Schenker using Schenker's teaching of cross bracing on the side panels. Claim 17 recites that the bottom surface of the base panel includes cross bracing. Providing cross bracing to the bottom panel of the drawer does not teach providing cross bracing to the base panel 30 of the cabinet of Schenker et al. and therefore would not meet this limitation. Further, the base panel 30 of Schenker is provided with depending walls 138 for strength and would not require additional support from cross bracing. The Examiner has again failed to teach or suggest all the limitations recited in the claims. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 9 stands rejected under 35 U.S.C. 103(a) as unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 3,572,874 to Hassel and US Patent 6,193,340 to Schenker as applied to claims 1, 3 and 6 and further in view of US Patent 4,872,734 to Rechberg.

The Examiner alleges that Hsu, Hassel and Schenker disclose every element claimed except for the rollers positioned in integrally formed pockets. Rechberg teaches a drawer slide mechanism which is provided with rollers (60) mounted via pin (63) in a pocket (61) formed on a slide member. The Examiner states that it would have been obvious to modify the drawer cabinet of Hsu in view of Hassel and Schenker by forming a pocket in the upper and lower portions of sides of the drawer cabinet for the roller to sit as taught by Rechberg.

As can be seen in Fig. 2 of Rechberg the roller (60) and pocket (61) are formed in a slide member 10, to which a drawer is attached, not a drawer as recited in claim 9. The Examiner has again failed to teach or suggest all the claim limitations.

Claim 10 stands rejected under 35 U.S.C. 103(a) as unpatentable over US Patent 6,474,759 to Hsu in view of US Patent 3,572,874 to Hassel and US Patent 6,193,340 to Schenker as applied to claims 1-8 and 17 and further in view of US Patent 4,288,137 to MacDonald. The Examiner alleges that Hsu in view of Hassel and Schenker disclose every element claimed and discussed above except for a detent formed integrally in the lower surface of the drawer member and arranged to cooperate with the rollers rotatably mounted in the front portion of the drawer guides. The patent to MacDonald teaches providing a drawer with guides (34) on the sides. A detent

is formed in the guide to receive a roller on the drawer glide. Therefore it would have been obvious to modify the drawer of Hsu in view of Hassel and Schenker by adding a detent on the bottom of the drawer to receive the roller of the cabinet as taught by MacDonald.

The patent to MacDonald teaches providing a drawer with a rail 34 on each side of a drawer as stated in col. 2, lines 19-36. The rail includes an arcuate indent or detent 48 at the forward end thereof. These rails are separate elements which are added onto an existing drawer. Claim 10 recites a drawer including a lower surface. The lower surface includes a pair of detents integrally formed therein and constructed and arranged to cooperated with rollers mounted in the front portion of the drawer guides. The detents of MacDonald are not "integrally formed in the lower surface of the drawer." If MacDonald were modified to relocate the detents 48 closer to the lower surface of the drawer the result would be repositioning the rails 34 at the bottom of the drawer, but this still would not meet the limitations of claim 10. The modification proposed by the Examiner of adding a detent to the bottom of the drawer of Hsu could only have been realized after reading applicants' disclosure and therefore the Examiner's conclusion of obviousness is based on improper hindsight reasoning. *In re McLaughlin* 442 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA1971).

Therefore, the Examiner has failed to teach all the claim limitations.

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion to modify the references or to combine the teachings. Second, there must be a reasonable expectation of success. Third, the prior art references when combined must teach all the claim limitations, section 2143 MPEP. As stated above the Examiner has failed to meet these criteria and therefore has not established a proper *prima facie* case of obviousness.

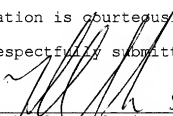
Applicants submit that the foregoing demonstrate that the combinations of Hsu, Sharon, Hassel, Schenker, Rechberg and MacDonald fail to disclose Applicants' invention as claimed in claims 1-17. Applicants further submits that the Examiner's rejection of claims 1-17 are obviated in light of the foregoing remarks.

In light of these remarks, it is respectfully requested that the rejections of claims 1-17 under 35 U.S.C. 103 be withdrawn and claims 1-17 be allowed.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is ~~courteously~~ requested.

Respectfully submitted,


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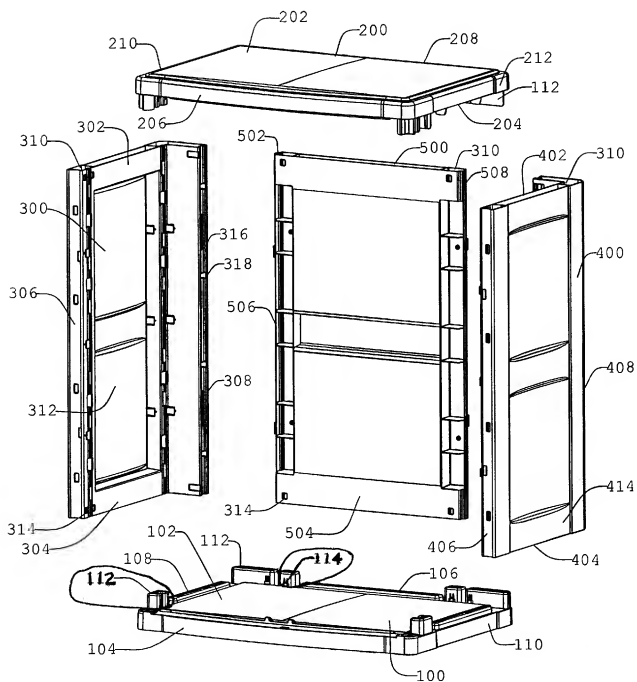


FIGURE 2

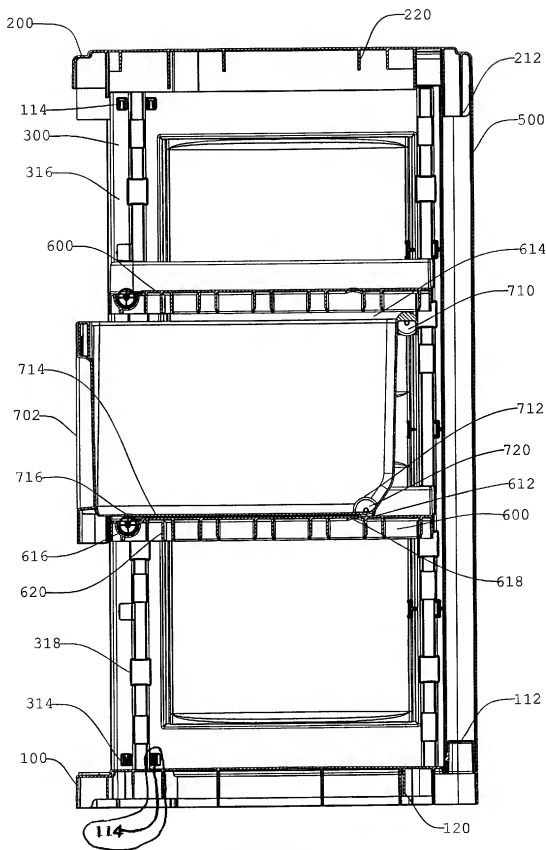


FIGURE 5